

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KIRAN VUPPALA,

Plaintiff,

-v-

MP WEST 351 LLC AND 361 WEST 34TH ST. CORP.,

Defendants.

22 Civ. 9970 (PAE) (JW)

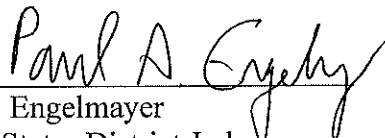
ORDER TO
SHOW CAUSE

PAUL A. ENGELMAYER, District Judge:

On November 22, 2022, plaintiff filed the complaint in this case. Dkt. 1. On December 5, 2022, plaintiff served defendant with process, making defendant's deadline to answer or otherwise respond September 30, 2022. *See* Dkts. 8–9. Defendant has not responded to the complaint or otherwise appeared in this action. Plaintiff, however, has not obtained a certificate of default from the Clerk of Court or filed a motion for default judgment against defendants, and no progress has otherwise been made in this case.

Accordingly, it is hereby ORDERED that plaintiff shall show cause by February 13, 2023 why the above-captioned action should not be dismissed for failure to prosecute, pursuant to Rule 41 of the Federal Rules of Civil Procedure. Plaintiff may show cause by properly submitting a motion for default judgment, pursuant to the Court's Individual Rules, which requires obtaining a certificate of default issued by the Clerk of Court prior to filing a motion for default judgment. Failure to submit a timely and proper motion for default judgment will result in dismissal without prejudice of this case under Rule 41.

SO ORDERED.


Paul A. Engelmayer
United States District Judge

Dated: January 30, 2023
New York, New York